

United States District Court
Western District Washington

CR12-5039

UNITED STATES OF AMERICA vs KENNETH WAYNE LEAMING, et al.

MOTION TO DISMISS FOR FAILURE
TO STATE A CLAIM and FAILURE
TO DISCLOSE NATURE and CAUSE

COMES NOW the defense, by and through Kenneth Wayne, subjected to involuntary servitude as ~~co-defendant~~ Counsel/Spokesman for the defense to move the Court to dismiss the Transaction(s) for failure to state a claim and failure to disclose the nature and cause of the Transaction, etc.

1) As to all "charges" the record does not make to appear jurisdiction, as to each element of jurisdiction, venue, personum/standing, and subject matter, the record is VOID of evidence of such jurisdiction and as such the Court is acting in a clear absence of jurisdiction, see ~~100 S.Ct. 2502~~ Maine vs Thiboutot, 100 S.Ct. 2502; Hays vs Levine, 415 US 533; Thomas vs Ohio State University Trustees, 195 US 207; Capitol City Dairy Co. vs

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% 2425 So. 200-ST-28
Seatec
Washington Republic

1 Ohio, ex rel., 183 US 238; Bors vs Preston,
 2 111 US 252; Wood vs Wagon, 2 Cranch 9;
 3 Federal Practice and Procedure, section 3522;
 4 Kullonen vs Guardian Life Insurance of America,
 5 128 LE2d 391; Basso vs Utah Power and Light
 6 Company, 495 F2d 906;
 7

8 2) As to all "Counts"/"Charges" the record fails to
 9 evidence the capacity, standing, and creation or
 10 other credentials of organization, association,
 11 chartered, Articles of Incorporation, or other type
 12 of Instrument upon which a fact finder could
 13 determine who or what the Plaintiff is, where
 14 it is founded or based, and if it has standing
 15 within the geographical boundaries of the republic
 16 The People of the State of Washington, constituted 1878
 17 and admitted to the union 22 February 1889 as appears
 18 in the Record of Pierce County, Washington, Auditor's
 19 REGISTRY 200009130560, and if it is, as may
 20 appear, a municipal corporation of the district of
 21 Columbia organized by the 2nd or 3rd Congress,
 22 its capacity, standing, or registration as a foreign
 23 Corporation authorized to transact business within

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1 Washington state's borders, and considering the
 2 9th & 10th Amendments to the Union Constitution,
 3 the foreign sovereign immunities act, and the record
 4 of the International Law Ordinance, REGISTERED
 5 DOG002012096074, DECLARATION & ORDER, and the
 6 UCC1 financing statement registered in the District
 7 of Columbia, Recorder of Deeds registration 2012012675,
 8 etc.;

9
 10 3) As to "Count's One, Two, and Three, The
 11 record fails to disclose the nature and cause of the
 12 action or transaction, whether a breach of Contract,
 13 tort, or some type of Contract offering/negotiation,
 14 and the relationship between the parties upon which
 15 the matter is based;

16 4) While "Count's one, Two, and Three allege the
 17 filing of something "false", There appears no kind
 18 of allegation of ~~what~~ what is "false" or "fictitious"
 19 about the document or instrument complained of
 20 upon which a controversy or agreement could
 21 be had;

22 5) While "Counts one, Two, and Three appear to
 23 allege that someone against whom some sort of

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1 Claim was made, the record does not allege
 2 the existence of any Administrative investigation
 3 Report, and Certificate of an administrative
 4 authority as set forth in 28 CFR 15.2 upon
 5 which a Fact Finder could find that any such
 6 party was engaged in any official duty as to
 7 the acts/omissions alleged in the claim process
 8 referenced thereby being substantially deficient
 9 in stating the nature and cause of the action or
 10 Transaction;

11
 12 6) As to "Count" Four, the record fails to disclose
 13 the nature and cause of the action/transaction in that
 14 it does not disclose whether the ~~matter~~ matter is
 15 based in tort, breach of contract, an offer of a
 16 contract negotiation, or other foundation upon which
 17 the document/instrument/proceeding is based, and if
 18 a tort, the damage or injury to any particular
 19 victim, if a breach of contract what contract was
 20 alleged to be breached;

21 7) As to "Count" four, the record fails to
 22 disclose the nature and cause of the Transaction
 23 or action in that no specific Act is alleged

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1 upon which a fact finder could find that any
 2 lawful notice or knowledge may have existed.
 3 upon which a Duty relating to Tort or Contract
 4 could lie to, pre-emptively make everyone who
 5 visited the accused prove there was no "Warrant",
 6 or other process, ~~or other~~ Summons, Subpoena, or
 7 otherwise outstanding;
 8

9 8) As to "Count" Four, the record fails to allege
 10 that anyone, even purporting to be an officer
 11 or agent of government, lawfully or otherwise,
 12 made any effort to contact the accused, inform
 13 the accused of any process sought to be served
 14 upon any guest of the alleged accused, and make
 15 any request to speak with, contact, arrest, or
 16 otherwise have any relationship with such guest;
 17

18 9) As to "Count" Four, the record fails to allege that
 19 upon a request based on notice, as set forth in R
 20 7 & 8, above, that the alleged accused took any
 21 specific over action to thwart such official
 22 action as to any guest;
 23

10) As to "Count" Six, the ~~the~~ record fails to disclose

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1 the nature and cause of the action / Transaction
 2 in that it does not identify any material FACT
 3 upon which intent could be based, and does
 4 not identify any Material FACT of any information
 5 upon which the purported security or financial instrument
 6 could be determined to be "false and fictitious", and
 7 if an account number, any material fact upon which
 8 such account did not exist, that the account had
 9 been closed or otherwise become insolvent, etc.;

10 11) As to "count" ~~four~~^{six}, the record does not disclose
 11 how a promise, made in good faith reliance on
 12 a creditors promise to pay some amount of something
 13 in the future could be "false or fictitious";
 14

15 12) As to "count" ~~four~~^{six}, The record does not disclose
 16 the form or substance of the value, substance, or
 17 other equitable value item, tangible or intangible
 18 upon which the promise was made, and upon
 19 which such promise could be any kind of substantive
 20 fraud;

21 13) As to the entire proceeding, The record does
 22 not disclose what Act of Congress delegated
 23 jurisdiction of the subject matter of the action /

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Transaction to the United States District Court,
 and the Act(s) of Congress evidenced at 18 USC 23
 define "Court of the United States" as "used in this
 title" (Title 18) ~~to~~ "INCLUDES", which is an
 exclusive term, limiting the definition to the items
 included on such list, in this instance "the District Court
 of Guam, the District Court for the Northern Mariana
 Islands, and the District Court of the Virgin Islands",
 and nowhere does it say anything about any
 "United States District Court", much less for the
 Western district of Washington; AND, the Supreme
 Court has clearly established that Congress knows
 what it says, means what it says, and that its
 inclusions and exclusions of specific language
 are intentional as set forth by its published
 decision(s) inclusive of Jackson Transit Authority vs.
 Amalgamated Transit Union, 475 US 15;

WHEREFORE: the Court, for the reasons stated
 above, has ONLY the jurisdiction to dismiss the
 action/Transaction for failure to state a claim,
 as set forth by FRCP 12 (b) and as ~~clearly~~
 clearly established by the Appellate Courts, inclusive
 of the Supreme Court, in, among others, United States


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1 vs. Cotton, 535 US 625;

2 14) The Court is also hereby reminded, in the nature
 3 of NOTICE and KNOWLEDGE as recognized at FER 201(c)(2),
 4 and UCC1-201 (25), (26), and (27) of the clearly established
 5 law published at United States vs Leon, 83 LE2d 677;
 6 Ryder vs United States, 132 LE2d 136; Weeks vs United
 7 States, 58 LE2d 652; Albright vs Oliver, 127 LE2d
 8 114; Bond vs United States, 180 LE2d 269; Bender
 9 vs Williamsport Area School District, 89 LE2d 501; Page
 10 vs Wright, 85 LE2d 1142; Stamp vs Sparkman, 55
 11 LE2d 331; in re: Complaint of Judicial Misconduct, 366
 12 F3d 963; Lacey vs Maricopa County, 649 F3d 1118;
 13 Land vs Dollar, 91 LE2d 1209; Zeller vs Rankin, 68
 14 LE2d 326; Rankin vs Howard, 633 F2d 884 (cert.
 15 denied); Smith vs Texas, 167 LE2d 632; Steel Co.
 16 vs Citizens for a Better Environment, 140 LE2d 210;
 17 Connick vs Thompson, 179 LE2d 417; Rotella vs
 18 Wood, 528 US 549; Estelle vs Gamble, 50 LE2d
 19 251; and Argersinger vs Hamlin, 407 US 25.

20 Given without prejudice on this day
 21 18 February, 2013, under penalty of
 22 bearing false witness, pursuant to the
 23 law of God Almighty


 Kenneth Wayne, Involuntary Counsel for
 the Defense, Public Minister, etc.

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